IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

TUESDAY, THE 13TH FEBRUARY 2007 / 24TH MAGHA 1928

WP(C).No. 31835 of 2006(M)

PETITIONER:

R.RAVIKUMAR, S/O. RAGHAVAN PILLAI,
KALLINGAZHIKATHU VEEDU, KAVANADU, KOLLAM.

BY ADV. SRI.AJAYA KUMAR. G

RESPONDENTS:

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1. REVENUE DIVISIONAL OFFICER,
KOLLAM DISTRICT, COLLECTORATE, KOLLAM.

2. TAHASILDAR,
KOLLAM TALUK, KOLLAM DISTRICT.

3. VILLAGE OFFICER,
SAKTHI KULANGARA, KAVANADU, KOLLAM.

4. SUB INSPECTOR OF POLICE,
SAKTHI KULANGARA, KOLLAM.

5. V.SUNIL KUMAR, S/O. VELUPILLAI,
AMRUTHAKULANGARA, THODIYIL VEEDU,
IRAVIPURAM, KOLLAM.

BY GOVT. PLEADER SRI.MOHAMMED RAFIQ

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 13/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX (WPC 31835/2006)

PETITIONER'S EXTS.

EXT.P1 – TRUE COPY OF THE JUDGMENT DATED 16.10.2002 IN OP NO.1437/3002

EXT.P2 - TRUE COPY OF THE JUDGMENT AND DECREE IN O.S.NO.881/2001 DATED 23.12.2005.

EXT.P3 - TRUE COPY OF THE DECREE IN OS NO.881/2001 DATED 23.12.2005.

EXT.P4 - TRUE COPY OF THE NOTICE DATED 9.2.07 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER.

EXT.P5 - TRUE COPY OF THE REPRESENTATION DATED 10.2.07 FILED BY THE PETITIONER BEFORE THE DISTRICT COLLECTOR, KOLLAM.

/TRUE COPY/

K.BALAKRISHNAN NAIR, J.

W.P.(C) NO. 31835 OF 2006-M

JUDGMENT

The petitioner has approached this Court, apprehending that he may be evicted by force from the property in his possession in Sy.No.1665/1 of Sakthikulangara Village, notwithstanding Ext.P3 decree of the civil court against such forcible eviction. While admitting this Writ Petition, this Court ordered that if there is any proposal to evict the petitioner, the same shall be done only after following the procedure under the Land Conservancy Act. Now, the petitioner has been served with Ext.P4 notice dated 9.2.2007, issued purportedly under Section 11(3) of the Land Conservancy Act, asking him to vacate from the property in his possession within two days. The petitioner submits, he may be given breathing time, so that he can move the appellate authority and seek appropriate interim reliefs.

2. Heard the learned Government Pleader for respondents 1 to 4. He submitted that the petitioner has no claim over the property and it is Government land.

3. Even if the petitioner is a rank trespasser, he is entitled to get a reasonable time to vacate from the premises in his occupation. Accordingly,

it is ordered that further proceedings pursuant to Ext.P4 will remain in abeyance for a period of two weeks from today. If the petitioner does not get any interim order from the appellate authority in the meantime, the respondents 1 to 4 will be free to proceed with Ext.P4.

The Writ Petition is disposed of as above.

13th February, 2007. K.BALAKRISHNAN NAIR, JUDGE.

Nm/